

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROBERT L. GARBER, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiffs,

VS.

MACY'S INC. (f/k/a FEDERATED  
DEPARTMENT STORES, INC.), TERRY J.  
LUNDGREN and KAREN M. HOGUET,

Defendants.

Case No. 1:07-cv-04774-AKH

ECF Case

MARLENE BLANCHARD, Individually  
and On Behalf of All Others Similarly  
Situated,

Plaintiffs,

VS.

MACY'S INC. (f/k/a FEDERATED  
DEPARTMENT STORES, INC.), TERRY J.  
LUNDGREN and KAREN M. HOGUET,

Defendants.

Case No. 1:07-cv-06112-AKH

ECF Case

**DEFENDANTS' RESPONSE/NON-OPPOSITION TO CONSOLIDATION  
PURSUANT TO FED. R. CIV. P. 42(a)**

Defendants Macy's Inc., Terry J. Lundgren and Karen M. Hoguet submit this response /non-opposition to motions to consolidate pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

## I. RESPONSE TO MOTIONS TO CONSOLIDATE

On August 3, 2007, Pinellas Park Retirement System (General Employees) ("Pinellas Park") and Teamsters Local 272 Pension Fund ("Teamsters Local 272") both filed Motions For

Consolidation, Appointment Of Lead Plaintiff And Approval Of Lead Counsel. (Dkt. Nos. 8-14). Defendants do not take any position regarding who should be appointed lead plaintiff and approved as lead counsel. However, defendants agree with Pinellas Park and Teamsters Local 272 that all related actions should be consolidated. (*See e.g.*, Mem. of Law In Supp. of Teamsters Local 272's Mot. For Consolidation, Appointment Of Lead Plaintiff and Approval Of Lead Counsel at 2). Defendants also suggest the following new caption for the matter, once consolidated:

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
In re MACY'S, INC. SECURITIES  
LITIGATION

)  
) Master File No. 1:07-cv-04774-AKH  
)

) ECF Case  
)

\_\_\_\_\_  
This Document Relates To:  
\_\_\_\_\_

**II. RESERVATION OF RIGHTS AS TO CLASS CERTIFICATION**

Defendants expect to bring a motion to dismiss the consolidated action and believe that such a motion should bring this action to a swift end. If, however, the Court permits the consolidated action to proceed beyond the pleading stage, defendants reserve all rights to challenge, at the appropriate time, plaintiffs' attempt to certify the eventual consolidated action as a class action.

Dated: August 16, 2007

Respectfully submitted,

*s/ Arthur J. Margulies*

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*Attorneys for Defendants Macy's Inc., Terry  
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**CERTIFICATE OF SERVICE**

The foregoing document was served on all counsel of record on August 16, 2007 by electronic mail through the Court's CM/ECF system and by U.S. Mail to the following:

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*s/ Arthur J. Margulies*

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